

The Board of Public Works & Safety met at 4:00 p.m. on the above date in the Meeting Room at City Hall Annex with Mayor Knowles presiding and Councilman Angel and Councilwoman Askren attending. Others attending were Chief Webber; Attorney Funkhouser; Supt. Givens; Joe Dickman; Luke Brazdys - City Engineer; Winter Maynard; Vicki Cannato; Vicki Rueger; Bruce Hill; Jim Cutshaw - London Witte; Debra Lewis - Ladies Eagles Auxiliary; Jamie Grabert - Posey County News; and arriving during the meeting, Phyllis Ripplemeier; Chief Beloat.

Mayor Knowles called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. She added if not, she entertains a motion to waive their reading and to approve the minutes as presented.

Councilwoman Askren moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Angel.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Mayor Knowles requested action on the claims presented.

Councilman Angel moved the claims presented be allowed for payment. Seconded by Councilwoman Askren.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

*****CLAIMS*****

Sewage \$ 21,625.64

Payroll 60,792.63

General, MVHF, Fire Pension 43,774.89

Mayor Knowles stated they will now hear the reports of the Departments.

Supt. Givens reported he has received quotes from Hydraserve on the Mill Creek Lift Station pumps. He stated to repair the current pump would be \$8,098.22 and for a new pump the cost would be \$18,131.00.

Mayor Knowles asked how old the pump is ?

Supt. Givens replied he is not really sure, but at least ten years old. He added he is also not sure of the life expectancy.

Councilwoman Askren asked if the old pump is large enough, is it adequate ?

Supt. Givens replied yes, and added that is an important lift station.

Councilwoman Askren asked when he thought it might possibly need to be repaired again, if that is what they decided to do this time ?

Supt. Givens replied he would have no way of knowing. He added he will check to see about a warranty on the repair and then hope that the pump will not go bad again.

Phyllis Ripplemeier and Chief Beloit arrived at the meeting.

Supt. Givens added that Hydraserve said the pump looks really bad and should have kicked out before it got in the shape it was in. He then stated it may not have been set right.

Mayor Knowles stated it sounds like there was significant damage.

Supt. Givens agreed and added that a new pump would take 8 weeks to ship.

Mayor Knowles moved they repair the pump. Seconded by Councilwoman Askren.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Supt. Givens continued by stating he received a letter from IDEM about his certification exam on the 21ST of April. He added it will take place near Louisville and asked permission to stay over night and use the city credit card.

Mayor Knowles moved permission be given. Seconded by Councilman Angel.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Mayor Knowles asked if there were any questions ?

There were none.

Mr. Dickman stated he has no report and added everything is fine.

Mayor Knowles asked if there were any questions ?

There were none.

Chief Beloit stated he would like permission to order two new firearms for the new officers they will be hiring this evening. He added along with that, he would also like to purchase the holsters, total cost for all should be around \$1,116.00.

Councilman Angel asked if there are enough radios ?

Chief Beloit replied he believes they are fine there.

Mayor Knowles moved permission to purchase the firearms and holsters be given. Seconded by Councilman Angel.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Mayor Knowles asked if there were any questions ?

There were none.

Chief Webber stated at the last meeting they discussed paying him mileage due to new department vehicle. He added at the rate he is going, it is not going to work out, he is only getting around \$.75 per day in mileage and that is not covering the fuel cost. He asked permission to use the department gas card for his vehicle, until the new department vehicle is purchased.

Councilman Angel replied that sounds fine with him and possibly Attorney Funkhouser can check into amending the ordinance that allows for only \$.25 per mile.

Mayor Knowles agreed it sounds fine with her as well and moved permission be given for Chief Webber to use the Fire Department gas card for his personal vehicle until the new department vehicle is purchased. Seconded by Councilman Angel.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Comm. Gray was not present, he was tending to a water leak on the other side of town.

Mayor Knowles stated under Legals, Debra Lewis is present from the Lady Eagles Auxiliary.

Ms. Lewis stated she would like permission to use Riverfront Park for an Easter Egg Hunt, 9:00 a.m. to 11:00 a.m. She added they will be using plastic eggs and they will not need the street blocked, and she had also brought in their certificate of insurance, as requested.

Mayor Knowles asked if there were any questions ?

Mayor Knowles moved permission be given for the egg hunt. Seconded by Councilman Angel.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Clerk-Treasurer Wolfe stated she has a request from the Alexandrian Library to block Fifth Street between Main and College on July 30th for their 4th Annual Summer Reading Program. She added they are requesting the street be blocked from 8:00 a.m. to 8:00 p.m.

Councilman Angel moved permission be given. Seconded by Councilwoman Askren.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously. She then suggested Clerk-Treasurer Wolfe get with Comm. Gray concerning the barricades.

Mayor Knowles stated under Legals they also have listed Jim Cutshaw with London Witte concerning the waste water rate study.

Mr. Cutshaw stated that as of 12/2003, they used for a 12 month test year, as well as looking at the 2004 expenses vs. revenues, to see if the current rates were sufficient. He added they have found that their current rates are not sufficient and an increase is needed just to sustain and maintain their current system. He added they have factored in some of the CSO long term control plan as well. He stated in Step 1, they would generate \$236,000 with an increase of 22.8% and with Step 2, they would generate \$303,000 with an increase of 23.8%, which would take into account the first 3 projects in the CSO control plan. He added even with these proposed increases, Mount Vernon's sewer rates would still be under those of surrounding communities, with the exception of Evansville and Princeton. He added an average sewer bill would go from around \$19.00 now to around \$23.00. He called the Board's attention to Exhibit E which is a Debt Service Analysis and their present rates do not generate enough money to pay their debt service. He added part of the increase will allow enough receipts to pay 1.25 times of the debt and allow for capital additions as well. He added they also realize that SRF money and grants may possibly be made available to the city.

Mayor Knowles agreed and added possibly around \$500,000 worth.

Mr. Cutshaw asked if there were any questions ?

Mayor Knowles asked if the SSO project is included in these rates anywhere ?

Mr. Cutshaw replied he is not sure but he thinks that probably it is.

Mayor Knowles asked if that means they would be able to deal with both the SSO and CSO issues with Step 2 ?

Mr. Cutshaw agreed and added the Board has his card, he realizes this is a lot to absorb in one afternoon, but they may call him with any questions ?

Mayor Knowles thanked Mr. Cutshaw for his time.

Mayor Knowles stated in the Audience is Vicki Rueger with a sewer tap request.

Ms. Rueger stated she lives at 227 Western Hills Drive and she would like to install a sewer line to her property line. She added she has been annexed since 1981 and there has never been a sewer line there, though there is a sewer line on WestRidge Drive. She added she could tap on in less than 125 feet and the engineer says the slope is OK.

Mayor Knowles stated she has met with the firm Clark Deitz and they have discussed this situation at great length. She added not only would they have to construct the line, but easements would also have to be purchased, and that is if they can do that. She continued by stating she is totally against the city extending a sewer line to one house, when a line is extended it is done to get everyone along the line to tap. She added Ms. Rueger's home was built in 1975 and at that time the owner of the development signed a waiver saying that the city was not compelled to put sewer in there. She added again that if they did that, she does not feel it is feasible for one home.

Mr. Brazdys stated Ms. Rueger actually has closer to 200 feet to go to a tap location.

Mr. Rueger stated the waiver that Mayor Knowles is referring to is a 30 year old document and she feels due to that, it is invalid. She added there is also no timeline on the document and she does not feel it would hold up in court.

Mayor Knowles replied that is her opinion.

Attorney Funkhouser stated if the waived was recorded, and subsequent landowners have notice of the waiver, then it is a valid waiver, though he is open to information on that.

Mayor Knowles stated she has an estimate on the cost of this project, not including any engineers fees, or obtaining any easements, it is around \$36,600.00.

Mr. Brazdys stated it would run around \$12,000.00 just to get the line for Ms. Rueger, not including easements, permits, engineering costs, etc. He again stated it is closer to 200 feet to septic and there would also to be a manhole put in.

Ms. Rueger stated she thought the city was responsible to provide that to her property line.

Mayor Knowles replied normally so, yes, but her property is lower that the road, which is why septic was installed there originally.

Councilman Angel questioned how many other houses there were in the area ?

Mayor Knowles replied 14.

Supt. Givens stated if the home was built in 1975 there is not telling how far they would have had to go then to get to a sewer.

Mr. Hill stated he has spoken with Attorney Funkhouser and he did provide him with a copy of the waiver, which is just a waiver not to remonstrate the annexation, for water. He added it does not require sewer be put in, only not to contest the annexation

Mayor Knowles stated the waiver is typical, they use it all the time.

Mr. Hill stated they city needs to be fair and reasonable to all he realizes that but if he were to take that document to court, it would be very difficult, there is no successor ship, it is over 30 year time period, courts do not like documents like that with no time line. He was wondering what the city could do that was right. He stated Mr. Brazdys keeps saying it is 200 feet, but from the property line to the West Ridge Drive is only 125 feet.

Mayor Knowles stated it is no cost effective to spend \$12,000.00 to get sewer to one home for a \$1,200.00 tap feel. She asked how long Ms. Rueger has lived there ?

Ms. Rueger replied close to 20 years.

Mayor Knowles stated she just does not understand and she can not justify that.

Ms. Rueger replied she has paid her taxes.

Mayor Knowles agreed with her but added until Ms. Rueger had a problem with her septic she did not want on the city sewer.

Ms. Rueger agreed.

Mayor Knowles stated it is not a necessity, sewer does not have to be provided to everyone. She then stated Ms. Rueger's property is so low that the line would have to be ran way out into her yard and the neighbors as well. She added they would also have to secure easements and that cost money - in total over \$36,000 to run a trunk line to the city limits.

Mr. Brazdys agreed but stated it would only cost \$12,000-\$13,000.00 for one individual plus engineering costs and easements. He added if the city does this, they would have to force everyone out there onto the line, even if they have working septic.

Mr. Hill stated they would only need line from back of her property to the line, \$3,000 maximum, he does not see where they are coming up with \$13,000.00.

Mr. Brazdys replied there needs to be a manhole installed at every connection, things that are displaced during installation have to be put back, from grass, to shrubs, etc. He added the construction could also possibly conflict with other utilities that are already there as well.

Mayor Knowles stated communities do not construct lines for one person, in general.

Mr. Hill stated but that is not in concrete anywhere.

Mayor Knowles replied that is correct.

Mr. Hill stated when lines are run there are always issues with other utilities, lines may have to be crossed, etc., but the easements as well in a case like this would only run between \$2.00 and \$10.00 a foot.

Mr. Brazdys stated not in this case, they would have to go down the center of the property, which could be 15 feet. He added his findings are of course preliminary in nature, but Supt. Givens was with him while the measurements were being made.

Mr. Hill stated 200 feet would be at most \$4,000 to \$5,000 and Ms. Rueger is willing to pay to have this done.

Mayor Knowles replied the engineer's estimates are a lot higher than that, \$12,700.00, without the easements.

Ms. Rueger stated she had the plumber come out who would be doing the work and he did not indicate costs like that.

Mayor Knowles stated that does not include any easements, permits, etc.

Mr. Hill replied that estimate would be taking the line all the way to the end of the subdivision, they are not talking apples and apples here.

Mr. Brazdys stated in reference to her septic, he is not sure what is wrong with it, but he check around and through a national supplier she could obtain a new one for \$3,000.00.

Councilman Angel asked if her sewer is messed up now ?

Ms. Rueger replied yes it is messed up now and has been for over a month.

Supt. Givens stated he and Supt Waller responded to the call and they checked it out to see if there was a sewer close enough for her to tap. He then asked if they would be going all of this work at her expense ? He then stated except for the tap fee, they would have a big distance with a lateral line, and that would be too expensive. He stated they would also have to be a 8" sewer tile put in. He added the city is only responsible for the main sewer line, the homeowner is responsible for most of the line.

Mayor Knowles stated they would then run into the issue of roots in the line, that happens all the time as well.

Supt. Givens stated he has never dealt with this situation but he does know the city is not responsible for the laterals.

Mr. Hill replied there is an excellent grade there.

Supt. Givens stated the city wants the business and they want to help, hopefully they can come up with something.

Ms. Rueger stated her taxes are not cheap and she wants the same services that others who pay taxes get.

Mayor Knowles stated she can not justify that cost to hook one person up.

Supt. Givens agreed it was steep.

Attorney Funkhouser stated if they start doing things for some one person, they may run into a problem.

Mayor Knowles agreed and added they would be opening the door.

Mr. Hill stated he feels the cost would be nowhere near the \$12,000, it if were, Ms. Rueger would not be interested in pursuing this.

Mayor Knowles stated if the waiver is null and void then in her opinion their actions would effect the whole neighborhood.

Councilman Angel stated that is true, because they would have to tap on.

Mayor Knowles stated absolutely therefore it is not cost effective for one home and she feels it is the wrong thing to do. She added if you "do for one, you do for all", and they would all be required to tap on. She also stated if that is the case, then they would run the risk of upsetting others by making them tap on when their septic are fine.

Mr. Hill stated it is the Board's decision.

Mayor Knowles agreed and added they would definitely need to recoup the city's \$40,000.00.

Supt. Givens stated it is a state law that if someone is within 300 feet of a line, they have to tap on.

Mayor Knowles agreed and added IDEM orders that.

Mr. Hill stated the city does not have to require that.

Mayor Knowles stated if he is in her shoes he does.

Mr. Brazdys stated they would also have to up the size of piping used if they extend it all the way out.

Supt. Givens stated if his septic went bad, he would want sewer too.

Mr. Hill stated Ms. Rueger wants the same services as others in Mount Vernon.

Mayor Knowles stated she is trying to help Ms. Rueger, she has met with the engineers.

Councilman Angel stated they should all have equal services. He added he thinks they should run the line and hook everyone on to it that is within the city limits.

Councilwoman Askren agreed.

Supt. Givens stated he is glad he makes no decisions on this.

Mayor Knowles stated those are the options, serve one, or run a line to serve all.

Councilman Angel stated they might as well serve them all.

Mayor Knowles stated and then they would have to tap, stop the line at the city limits and run a trunk line.

Attorney Funkhouser stated someone should talk to the other property owners and see who would agree to go on the line willingly. He suggested he could do that until the technical questions started coming.

Councilman Angel stated he thought Councilman Rueger was talking to the other property owners.

Ms. Rueger replied she has tried to keep him out of all this.

Attorney Funkhouser stated he would like to know beforehand who would like service.

Councilman Angel stated they should hook up if the line is laid, but unfortunately there is no quick fix for Ms. Rueger's situation. He stated they can start in that direction, but it is going to take time to get it done.

Attorney Funkhouser again stated he can not answer a lot of the technical questions.

Mayor Knowles asked if Ms. Rueger has talked with any of the neighbors.

Mr. Rueger replied no.

Mr. Brazdys stated the engineering firm can do that.

Attorney Funkhouser agreed that would be better and they could then report back to the Board.

Mr. Hill stated wondered if they could get this survey done on an expedited basis, timing is of the essence.

Councilman Angel agreed and added they would just run a single line if no one else was interested.

Mayor Knowles stated she disagrees with that 150% - running a line to one person.

Mr. Brazdys stated they are actually talking three to four months for construction without acquiring the easements, it is a big project.

Mayor Knowles reminded the Board there are 14 houses in question.

Ms. Rueger asked if they are saying they do not want to want to run the single line due to the waiver ?

Attorney Funkhouser replied yes, but if they can find him something, he will not turn them away.

Mr. Hill stated there is case law that reads both ways on this, frankly.

Mayor Knowles stated even if they disregard that, once the Board does something, they are setting a precedent.

Mr. Brazdys stated sometimes they record a covenant and restriction on subdivisions.

Mayor Knowles stated again, they will be setting a precedent and she feels it is ridiculous for them to even consider. If they do something for one, they have to do it for all and there are 13 other homes out there.

Attorney Funkhouser stated it is the Board's decision.

Mayor Knowles stated they should keep in mind that this could come back before them 13 more times. She feels if they do it, they should do it the right way with a trunk line to service all.

Board agreed.

Attorney Funkhouser stated he can call the neighbors, but when it gets technical, he will refer them to Supt. Givens and Mr. Brazdys.

Mayor Knowles stated she can contract the engineer and have them proceed with the trunk line, and contacting the neighbors.

Mr. Hill stated being expeditious is critical.

Councilman Angel moved they proceed with the engineering firm and have them contact the homeowners that could tap onto the trunk line. Seconded by Councilwoman Askren.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Mayor Knowles asked if there was any Old Business ?

There was none.

Mayor Knowles asked if there was any New Business ?

There was none.

Mayor Knowles stated if there were no further business, she entertains a motion to adjourn.

Councilwoman Askren moved the meeting be adjourned. Seconded by Councilman Angel.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried and adjourned the meeting.

Rosemary L. Knowles

Mayor

ATTEST:

Cristi L. Wolfe

Clerk-Treasurer